

In re Application: Norman HARTY
Serial No.:10/650,586

AMENDMENT**REMARKS**

Applicant requests entry of the amendment and reconsideration based on the accompanying remarks. Claims 9-13 are pending in this application. Claims 1-8 have been cancelled. Claim 9 has been amended. Claim 13 has been newly added. No new matter has been added.

Applicant acknowledges the indicated allowability of claims 11 and 12. Claim 9 has been amended to incorporate the allowable subject matter of claims 11 and 12 and therefore places this claim in condition for allowance. Newly added claim 13 incorporates the allowable subject matter of claims 11 and 12. Applicants respectfully request reconsideration and withdrawal of the rejection of these claims.

INTERVIEW SUMMARY

Further Applicant would like to thank the Examiner for his comments during a telephone interview between the Examiner and the undersigned which occurred on August 12, 2004 regarding the non-final office action mailed June 4, 2004 wherein the Examiner confirmed that the non-final office action acknowledges that claims 11 and 12 contain allowable subject matter. Further the Examiner reviewed proposed amended claim 9 and newly added claim 13. The Examiner indicated that amended claim 9 overcomes the rejections made by the Examiner in the 6/4/2004 non-final rejection since the claim recites a relationship between the apparatus and the sideline of a football field, and a target on the far side of the football which is not disclosed in the art cited by the Examiner, namely (Snowden, Chapman and Randolph) in his rejection of Claims 1-10.

Claim Rejections - 35 USC 102

Claim 1 is rejected as being anticipated by Snowden or Chapman. Independent claim 1 has been cancelled. Therefore this rejection is now moot.

Claim Rejections - 35 USC 102

Claim 1 and 2 are rejected as being anticipated by Randolph. Claims 1 and 2 have been cancelled such that this rejection is now moot.

Claim Rejections - 35 USC 103(a)

Claims 2-10 are rejected as being obvious over Snowden or Chapman. Claims 2-8 have been cancelled. Claim 9 has been amended and recites a relationship between the apparatus and the sideline which is neither disclosed nor suggested by either Snowden or

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Chapman, in combination Further, claim 9 recites a target on the far side of the football which is neither disclosed nor suggested by either Snowden or Chapman in combination. Therefore, claim 9 is placed in condition for allowance. Claim 10 depends from allowable claim 9 and therefore is also in condition for allowance.

Claim Rejections - 35 USC 103(a)

Claims 2-4 and 6-10 are rejected as being unpatentable over Randolph. Claims 2-4 and 6-8 have been cancelled. Claim 9 has been amended and recites a relationship between the apparatus and the sideline which is neither disclosed nor suggested by Randolph. Further, claim 9 recites a target on the far side of the football which is not disclosed nor suggested by Randolph. For the reasons cited above, Applicants submit that claims 9 is in condition for allowance.

New Claim 13

Claim 13 is newly added and recites a relationship between the apparatus and the sideline, and additionally a target on the far side of the football which is not disclosed by either Snowden or Chapman or Randolph singularly or in combination. Applicants submit that claim 13 is in condition for allowance.

Conclusion

For the reasons cited above, Applicants submit that claims 9 through 13 are in condition for allowance and requests reconsideration of the application. If there remain any issues that may be disposed of via a telephonic interview, the Examiner is kindly invited to contact the undersigned at the telephone number provided below.

No fee is believed to be due. However, in the event it is determined that a fee is required for consideration of this paper, please charge any necessary fee to Deposit Account No. 18-1579.

Respectfully submitted,

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